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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,453	10/07/2003	Kambiz Kohani	2785-PAT	9376
30084	7590	08/11/2004	EXAMINER	
DONN K. HARMS PATENT & TRADEMARK LAW CENTER SUITE 100 12702 VIA CORTINA DEL MAR, CA 92014			NELSON JR, MILTON	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/681,453	Applicant(s) KOHANI, KAMBIZ	
	Examiner Milton Nelson, Jr.	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 16, 19, 21 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17, 18, 20, 23 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information referred to in the information disclosure statement filed October 7, 2003 has been considered.

Specification

The specification is objected to since page 16 includes a spelling error. Note "Figurer 6" in line 7.

Drawings

The drawings are objected to because the reference character "42", as it appears in Figure 3, lacks an associated leader line to indicate what feature it is associated with. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency.

Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the means to bias the tether first end towards the rear of the chair (claims 3 and 4) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement

Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 21, 21, 22, and 23 have been renumbered as claims 21, 22, 23 and 24, respectively.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 3, 4, 8 and 9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant claims a "means to bias said tether first end towards said rear of

Art Unit: 3636

said chair". It is not clear from the disclosure what this means. Applicant appears not to have set forth such a means.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-15, 17, 18, 20, 23 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In line 4 of claim 1, it is unclear if "said first end" and "said second end" are intended to be the previously set forth "first distal end" and "second distal end". In lines 12 to 13 of claim 1, "the forward lean of said user" lacks proper antecedent basis. In claim 6, it is unclear if Applicant intends to positively claim the plurality of chairs. Note that Applicant sets forth the fastener of the invention as being "attachable to a plurality of chairs", which appears to indicate that the chairs are merely an article for use with the invention. Applicant then sets forth the chairs as having "said fastener secured thereto". Such is contradictory and therefore indefinite. In claim 10, is "an elbow support" intended to be the same as the elbow support set forth in claim 2, from which claim 10 depends? Similarly note claim 11. In claim 13, "said top surface" lacks proper antecedent basis. In claim 22, it is unclear if "said first end" and "said second end" are intended to be the distal ends or the tether ends. Similarly note claims 23 and 24. In line 7 of claim 22, it is unclear what is represented by "said second". All other claims are indefinite since each depends from an indefinite claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1, as best understood with the above cited indefiniteness, is rejected under 35 U.S.C. 102(b) as being anticipated by Boles (28778330). Note the support belt (10), center portion (between 11, 11), first distal end (at 12), second distal end (at 13), means of attachment (12, 13, snap portion of 22) of the first end, tether (21) and attachment (loop portion of 22), tether end (24), and means of attachment (23) of the second tether end.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 13, as best understood with the above cited indefiniteness, are rejected under 35 U.S.C. 103(a) as being unpatentable over Boles (2877833) in view of Marino (4751923).

Boles shows all claimed features of the instant invention with the exception of at least one elbow support, and means of attachment of the elbow support to the support belt to at least one of the first side surface or the second side surface of the support belt (claim 2); and means for vertical adjustment of the top surface toward and away from the top edge (claim 13). Note the discussion of Boles above. Additionally note the first and second side surfaces of the support belt in Figure 3.

Marino teaches providing a support system with at least one elbow support (50), and means of attachment (68, 70) of the elbow support to the support belt to at least one of the first side surface or the second side surface of the support belt; and means for vertical adjustment (48) of the top surface (outer periphery of 50 as shown in Figure 5) toward and away from the top edge.

Regarding claim 2, it would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify Boles in view of the teachings of Marino by adding the at least one elbow support, and means of attachment of the elbow support to the support belt to at least one of the first side surface or the second side surface of the support belt. This modification enhances user comfort and support.

Regarding claim 13, it would have been further obvious to modify Boles in view of the teaching of Marino by adding the means for vertical adjustment of the top surface toward and away from the top edge. This modification provides selective adjustment of the device for users of different sizes and different needs.

Claim 3, as best understood with the above cited indefiniteness, is rejected under 35 U.S.C. 103(a) as being unpatentable over Boles (2877833) in view of Ruff (6742848).

Boles shows all claimed features of the instant invention with the exception of the means to bias the tether first end towards the rear of the chair. Note the discussion of Boles above.

Ruff teaches providing a support system with a means (inertia reel) to bias a tether (20) first end towards the rear of a chair.

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify Boles in view of the teachings of Ruff by adding the means to bias the tether first end towards the rear of the chair. This modification helps to secure the user to the chair.

Claim 4, as best understood with the above cited indefiniteness, is rejected under 35 U.S.C. 103(a) as being unpatentable over Boles (2877833) in view of Marino (4751923), as applied to claim 2 above, and further in view of Ruff (6742848).

Boles, as modified in view of Marino, shows all claimed features of the instant invention with the exception of the means to bias the tether first end towards the rear of the chair. Note the discussion of Boles and Marino above.

Ruff teaches providing a support system with a means (inertia reel) to bias a tether (20) first end towards the rear of a chair.

It would have been obvious to further modify Boles in view of the teachings of Ruff by adding the means to bias the tether first end towards the rear of the chair. This modification helps to secure the user to the chair.

Claim 5, as best understood with the above cited indefiniteness, is rejected under 35 U.S.C. 103(a) as being unpatentable over Boles (2877833) in view of Nunn et al (2758769).

Boles shows all claimed features of the instant invention with the exception of a fastener having a first half attached to the second tether end; the fastener having a second half secured to the chair; the first half removably engageable with the second half. Note the discussion of Boles above.

Nunn teaches providing a support system with a fastener (20-22) having a first half attached (at 21) to a second tether end; the fastener having a second half secured (at 22) to the chair; the first half removably engageable with the second half.

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify Boles in view of the teachings of Nunn et al by configuring the assembly with the fastener having a first half attached to the second tether end; the fastener having a second half secured to the chair; the first half removably engageable with the second half. This enhances selective engagement and disengagement of the support system from a chair.

Claim 7, as best understood with the above cited indefiniteness, is rejected under 35 U.S.C. 103(a) as being unpatentable over Boles (2877833) in view of Marino (4751923), as applied to claim 2 above, and further in view of Nunn et al (2758769).

Boles, as modified in view of Marino, shows all claimed features of the instant invention with the exception of the fastener having a first half attached to the second tether end; the fastener having a second half secured to the chair; the first half removably engageable with the second half. Note the discussion of Boles and Marino above.

Nunn teaches providing a support system with a fastener (20-22) having a first half attached (at 21) to a second tether end; the fastener having a second half secured (at 22) to the chair; the first half removably engageable with the second half.

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to further modify Boles in view of the teachings of Nunn et al by configuring the assembly with the fastener having a first half attached to the second tether end; the fastener having a second half secured to the chair; the first half removably engageable with the second half. This enhances selective engagement and disengagement of the support system from a chair.

Claim 8, as best understood with the above cited indefiniteness, is rejected under 35 U.S.C. 103(a) as being unpatentable over Boles (2877833) in view of Ruff (6742848), as applied to claim 3 above, and further in view of Nunn et al (2758769).

Boles, as modified in view of Ruff, shows all claimed features of the instant invention with the exception of the fastener having a first half attached to the second tether end; the fastener having a second half secured to the chair; the first half removably engageable with the second half. Note the discussion of Boles and Ruff above.

Nunn teaches providing a support system with a fastener (20-22) having a first half attached (at 21) to a second tether end; the fastener having a second half secured (at 22) to the chair; the first half removably engageable with the second half.

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to further modify Boles in view of the teachings of Nunn et al by configuring the assembly with the fastener having a first half attached to the second tether end; the fastener having a second half secured to the chair; the first half removably engageable with the second half. This enhances selective engagement and disengagement of the support system from a chair.

Claim 9, as best understood with the above cited indefiniteness, is rejected under 35 U.S.C. 103(a) as being unpatentable over Boles (2877833) in view of Marino (4751923) and Ruff (6742848), as applied to claim 4 above, and further in view of Nunn et al (2758769).

Boles, as modified in view of Marino and Ruff, shows all claimed features of the instant invention with the exception of the fastener having a first half attached to the second tether end; the fastener having a second half secured to the chair; the first half

removably engageable with the second half. Note the discussion of Boles, Marino and Ruff above.

Nunn et al teaches providing a support system with a fastener (20-22) having a first half attached (at 21) to a second tether end; the fastener having a second half secured (at 22) to the chair; the first half removably engageable with the second half.

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to further modify Boles in view of the teachings of Nunn et al by configuring the assembly with the fastener having a first half attached to the second tether end; the fastener having a second half secured to the chair; the first half removably engageable with the second half. This enhances selective engagement and disengagement of the support system from a chair.

Claim 23, as best understood with the above cited indefiniteness, is rejected under 35 U.S.C. 103(a) as being unpatentable over Boles (2877833) in view of Giancaspro (6361478).

Boles shows all claimed features of the instant invention with the exception of the shoulder straps extending to the center portion (11 to 11) of the support belt. Note the discussion of Boles above. Also note that the Boles shows the extension to the first and second ends. Giancaspro teaches providing a support system with shoulder straps extending between the center portion of the support belt and the first end and the second end of the support belt. Note such in Figure 3.

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify Boles in view of the teachings of Giancaspro by configuring the shoulder straps as extending between the center portion of the support belt and the first end and the second end of the support belt. This modification provides an alternate, equivalent manner in which to route the shoulder straps.

Claim 24, as best understood with the above cited indefiniteness, is rejected under 35 U.S.C. 103(a) as being unpatentable over Boles (2877833) in view of in view of Marino (4751923), as applied to claim 2 above, and further in view of Giancaspro (6361478).

Boles, as modified in view of Marino, shows all claimed features of the instant invention with the exception of the shoulder straps extending to the center portion (11 to 11) of the support belt. Note the discussion of Boles and Marino, above. Also note that the Boles shows the extension to the first and second ends.

Giancaspro teaches providing a support system with shoulder straps extending between the center portion of the support belt and the first end and the second end of the support belt. Note such in Figure 3.

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to further modify Boles in view of the teachings of Giancaspro by configuring the shoulder straps as extending between the center portion of the support belt and the first end and the second end of the support belt. This

modification provides an alternate, equivalent manner in which to route the shoulder straps.

Allowable Subject Matter

Claims 6, 10-12, 14-15, 17-18 and 20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Election/Restrictions

Claims 16, 19, 21 and 22 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to nonelected embodiments of the invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on May 27, 2004.

Applicant's election with traverse of Group 1, Figures 1-2 in the reply filed on May 27, 2004 is acknowledged. Claims 1-15 and 23-24 are directed to the elected embodiment. Claims 16-21 are non-elected. Claims 17, 18 and 20 have been treated on the merits since each depends from an elected claim that has been found to contain allowable subject matter. Applicant has provided several grounds of traversal. Applicant argues that Figure 3 is an option to Figure 2 and Figures 4 and 5 read on Figure 3; therefore it is unclear why Figure 5 is patently distinct. This is not found persuasive because the specification explicitly indicates that Figure 5 depicts a "second

alternate embodiment” of the invention (see page 16). It can be seen that Figure 5 provides at least the thigh portions (48) which are not provided in the embodiment of Figures 1-2. Also, Figures 3 and 4 have not been separated as separate embodiments of the invention. Applicant further argues that the embodiment of Figure 6 simply depicts the device of Figure 1 with elbow supports and an added torso support that engages the distal ends of the belt of Figure 1. Applicant has explicitly disclosed this figure as showing a “third alternate embodiment”. Applicant’s arguments provide the subject matter that is patentably distinguishable over the previous embodiments. Similarly note arguments directed to Figure 7. Applicant argues that this embodiment simply provides an added rotational adjustment of the elbow supports, and indicates that it is unclear how this component is separate from the others. Again, this figure has been explicitly disclosed as an “alternate embodiment”. It can clearly be seen that the rotational feature is not provided in the previous embodiments. Similar arguments are provided for the embodiments of Figures 9, 13 and 14, however each of these embodiments are disclosed with features that patentably separate them from other embodiments.

The requirement is still deemed proper and is therefore made FINAL.

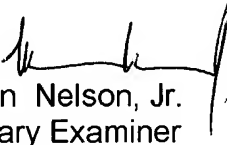
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. A restraint assembly is shown by each of Gollahon (6435614), Ostrander et al (6095613), Staggs (3108589), Fisher (1332328), and Lucht (2833344).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is 7033082117. The examiner can normally be reached on Monday-Friday 5:30-3:00.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Milton Nelson, Jr.
Primary Examiner
Art Unit 3636

mn
August 9, 2004